

**STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT**

IN THE MATTER OF:

**PETITION FOR REVIEW OF
THE STATE CERTIFICATION
OF LOS ALAMOS NATIONAL LABORATORY
INDUSTRIAL WASTEWATER
NPDES PERMIT NO. NM0028355**

No. SWQB 20-79

**Triad National Security, LLC and
United States Department of Energy,
National Nuclear Security Administration,**

Petitioners.

SETTLEMENT AGREEMENT

This Settlement Agreement is made between and among the Surface Water Quality Bureau of the New Mexico Environment Department (“Department”), Triad National Security, LLC (“Triad”), and the United States Department of Energy, National Nuclear Security Administration (“DOE NNSA”) (together with Triad, collectively, “Petitioners”), to settle and resolve the issues raised in *Triad National Security, LLC and the United States Department of Energy Petition for Review*, filed December 30, 2020 (*“Petition”*).

The Department, DOE NNSA, and Triad (collectively, “Parties”) agree that this matter and all issues raised in the *Petition* shall be settled and resolved without a hearing based upon the following: (1) the Department’s Los Alamos National Laboratory Industrial Wastewater Permit NPDES Permit No. NM0028355 Settlement Conditions, SWQB 20-79 (“Settlement Conditions”); and (2) the Parties’ PFAS sampling and reporting arrangement specified in this Settlement Agreement. The Settlement Conditions are attached to this Settlement Agreement as Exhibit A. The PFAS Sampling and Reporting Plan for Per- and Polyfluoroalkyl substances (PFAS), which is not a condition of certification, is attached to this Settlement Agreement as Exhibit B. The

Department shall notify the U.S Environmental Protection Agency (“EPA”) Region 6 of the attached Settlement Conditions and shall issue a modified Clean Water Act Section 401 certification (“Modified Certification”) of NM0028355 to incorporate the Settlement Conditions pursuant to a Stipulated Final Order of the Secretary incorporating this Settlement Agreement. The Department shall forward the Modified Certification to EPA Region 6 for inclusion in the final permit.

In executing this Settlement Agreement, the Department does not admit to the allegations, factual assertions, or legal conclusions contained in the Petition and Petitioners do not admit the allegations, factual assertions, or legal conclusions contained the Department’s 401 certification Settlement Conditions. Furthermore, the Department and Petitioners do not waive their right to challenge any and all of those allegations, factual assertions, or legal conclusions in any future proceeding.

The Parties agree not to challenge any condition that is an accurate reflection of any of the Settlement Conditions contained in Exhibit A in the final NPDES Permit No. NM0028355 issued by EPA at the conclusion of this matter.

Respectfully Submitted,

NEW MEXICO ENVIRONMENT DEPARTMENT

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